



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF OPTOMETRISTS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

PETER C. HARVEY
Attorney General
RENI ERDOS
Director

August 31, 2004

By Certified and Regular Mail

Saras Raghuvir Rustagi, O.D.
286 Route 23
Shop Rite Plaza
Franklin, New Jersey 07416

Mailing Address:

P.O. Box 45012
Newark, NJ 07101
(973) 504-6440

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Rustagi:

This letter is to advise you that the New Jersey State Board of Optometrists (the "Board") has had an opportunity to review information concerning your practice of optometry as an Independent Doctor at the Optical Wave establishment located at Shop Rite Plaza Route 23, Franklin, New Jersey from October 2, 2003 to the present.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:12-9 in that you failed to obtain a branch license for this particular location. The records of the Board demonstrate that you are licensed to practice optometry at Invision Optics located at 227 Stuyvesant Avenue, Lyndhurst, New Jersey, 07071 and never obtained a branch license to practice at the Franklin, New Jersey location.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Dr. Rustagi shall immediately cease and desist from practicing optometry at Optical Wave located at Shop Rite Plaza, Route 23, Franklin, New Jersey until such time as you have obtained a branch office license for this location.
2. Dr. Rustagi is formally reprimanded for practicing at a location without a branch license in violation of N.J.S.A. 45: 12-9.

3. Dr. Rustagi shall pay a penalty in the amount of \$1000.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter). Payment shall be made by certified check or money order and made payable to the NJ State Board of Optometrists, attention Susan Gartland, P.O. Box 45012, Newark, New Jersey 07101.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 648- 3696.

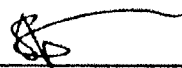
If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD

By: 
Susan Gartland
Executive Director

SEP 09 2004

ACKNOWLEDGMENT: I, Saras Raghuvir Rastagi, O.D. hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$1000.00 (to be paid upon signing of this acknowledgment) and to cease and desist any practice at a location for which you have not obtained a branch license.



Saras Raghuvir Rastagi, O.D.

Dated:

cc: Carmen A. Rodriguez, Deputy Attorney General